

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SUET F. WONG,

Plaintiff,

v.

NIGHT SWIM LANE TRUST, *et al.*,

Defendants.

Case No. 2:23-cv-00934-MMD-BNW

ORDER

Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Brenda Weksler (ECF No. 27), recommending that the Court grant Defendant Bank of America, N.A. (“BANA”)’s motion to designate Plaintiff Suet F. Wong a Vexatious Litigant (ECF No. 18 (“Motion”)). Plaintiff had until August 20, 2024 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R in full and grants the Motion.

Because there is no objection, the Court need not conduct de novo review and is satisfied Judge Weksler did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Here, Judge Weksler recommends granting the Motion because the relevant considerations and factors weigh in favor of granting BANA’s request for the Court to issue a prefiling order requiring Plaintiff to obtain permission from the Chief Judge of this district before filing any suit against BANA or any parties in privity with BANA regarding the property at issue (ECF No. 27 at 4-9.) The Court agrees with Judge Weksler. Having reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

1 It is therefore ordered that Judge Weksler's Report and Recommendation (ECF
2 No. 27) is accepted and adopted in full.

3 It is further ordered that Defendant Bank of America, N.A's Motion to Designate
4 Plaintiff Suet F. Wong a Vexatious Litigant (ECF No. 18) is granted.

5 It is further ordered that, if Plaintiff desires to file a new action in the United States
6 District Court for the District of Nevada against BANA, Sables LLC, or those in privity
7 regarding the property at issue,¹ she must first:

- 8 • Apply to the Chief Judge of this district for leave to file the document by
9 submitting to the Clerk's Office an application with the title "Application to Chief
10 Judge Seeking Leave to File."
- 11 • That application must be supported by a declaration from Plaintiff, made under
12 penalty of perjury, stating that: (1) the matters asserted in the new complaint
13 or petition are different from those asserted in the actions she has previously
14 filed in this district; (2) the new claim or claims are not frivolous or made in bad
15 faith; and (3) she has conducted a reasonable investigation of the facts and
16 such investigation supports the claim or claims. The application must also
17 have a copy of the order designating her a vexatious litigant attached.

18 DATED THIS 21st Day of August 2024.

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20 _____
21 MIRANDA M. DU
22 CHIEF UNITED STATES DISTRICT JUDGE
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27 ¹The property at issue is located at 5402 Night Swim Lane in Las Vegas, Nevada,
28 89113 (the "Property"). Actions regarding the Property include the securitization of the
mortgage, violations of federal or state law addressing servicing of the mortgage or the
mortgage's validity, or any other claims addressing the validity of the mortgage, its
assignments, or enforceability, including BANA's right to foreclose on the Property.